

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding final Office Action mailed September 3, 2008. Claims 4, 6, 11-13, and 18 have been amended, and claims 1-39 remain pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Response to Rejections of Claims under 35 U.S.C. § 112

Claims 4, 6, 11-13, and 18 have been rejected under 35 U.S.C. § 112, Second Paragraph, as allegedly being indefinite. Claims 4, 6, 11-13, and 18 have been amended to address the Examiner's concerns. Withdrawal of the rejection is respectfully requested.

3. Response to Rejections of Claims under 35 U.S.C. § 102

Claims 1, 3, 10, 14, 23, 27, and 36 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Wahlquist* (U.S. Patent No. 5,367,667).

a. Claim 1

As provided in independent claim 1, Applicant claims:

A file transfer system, comprising:
an originating file transfer host, comprising:
a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file; and
an originating file transfer server receiving the script and the file from the script server and transferring the file to a terminating file transfer server in accordance with the script.

(Emphasis added).

Claim 1 is patentable over *Wahlquist* for at least the reason that the cited art fails to teach or suggest at least "a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least

one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file; and an originating file transfer server receiving the script and the file from the script server and transferring the file to a terminating file transfer server in accordance with the script,” as emphasized above.

Wahlquist describes a process whereby a user’s computer 70 obtains a script from a help desk computer 30 that can be executed on the user’s computer 70. See col. 2, lines 32-43. Alternatively, the script may be copied from the user’s computer 70 to a target computer 90 where the script is executed. Specifically, *Wahlquist* states that “user U transfers the case and script files to the target computer 90.” Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user’s computer 70. See col. 7, lines 56-63.

Accordingly, a script server is not described in *Wahlquist* to receive the script from a remote terminal and transfer the script to an originating file transfer server, where the originating file transfer server transfers the file in accordance with the script. Rather, a local user is disclosed to transfer the file in *Wahlquist*. As such, *Wahlquist* fails to teach or suggest at least “a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file; and an originating file transfer server receiving the script and the file from the script server and transferring the file to a terminating file transfer server in accordance with the script,” as recited in claim 1.

Hence, claim 1 is not anticipated by *Wahlquist*, and the rejection should be withdrawn.

b. Claims 3 and 10

For at least the reasons given above, independent claim 1 is allowable over *Wahlquist*. Since claims 3 and 10 depend from and include the features of claim 1 and recite additional features, claims 3 and 10 are allowable as a matter of law over *Wahlquist*.

c. Claim 14

As provided in independent claim 14, Applicant claims:

A method of bulk file transfer, comprising:
monitoring for incoming scripts and files from remote terminals;
receiving from a remote terminal a script and at least one file associated with the script at a script server of a host;
in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; and
transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file.

(Emphasis added).

Claim 14 is patentable over *Wahlquist* for at least the reason that the cited art fails to teach or suggest at least “monitoring for incoming scripts and files from remote terminals; receiving from a remote terminal a script and at least one file associated with the script at a script server of a host; in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; and transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file,” as emphasized above.

Wahlquist describes a process whereby a user’s computer 70 obtains a script from a help desk computer 30 that can be executed on the user’s computer 70. See col. 2, lines 32-43. Alternatively, the script may be copied from the user’s computer 70 to a target computer 90 where the script is executed. Specifically, *Wahlquist* states that “user U transfers the case and script files to the target computer 90.” Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user’s computer 70. See col. 7, lines 56-63.

Accordingly, a script server is not described in *Wahlquist* to receive the script from a remote terminal and transfer the script to an originating file transfer server, where the originating file transfer server transfers the file in accordance with the script. Rather, a local user is disclosed to transfer the file in *Wahlquist*. As such, *Wahlquist* fails to teach or suggest at least “monitoring for incoming scripts and files from remote

terminals; receiving from a remote terminal a script and at least one file associated with the script at a script server of a host; in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; and transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file,” as recited in claim 14.

Hence, claim 14 is not anticipated by *Wahlquist*, and the rejection should be withdrawn.

d. Claim 23

For at least the reasons given above, independent claim 14 is allowable over the cited art. Since claim 23 depends from and includes the features of claim 14 and recites additional features, claim 23 is allowable as a matter of law over *Wahlquist*.

e. Claim 27

As provided in independent claim 27, Applicant claims:

A computer readable medium having a program for bulk file transfer, the program being embodied on a tangible medium and causing a computer to perform:

monitoring for incoming scripts and files from remote terminals;

receiving from a remote terminal a script and at least one file associated with the script at a script server of a host;

in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; and

transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file.

(Emphasis added).

Claim 27 is patentable over *Wahlquist* for at least the reason that the cited art fails to teach or suggest at least “monitoring for incoming scripts and files from remote terminals; receiving from a remote terminal a script and at least one file associated with the script at a script server of a host; in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a

host; and transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file,” as emphasized above.

Wahlquist describes a process whereby a user’s computer 70 obtains a script from a help desk computer 30 that can be executed on the user’s computer 70. See col. 2, lines 32-43. Alternatively, the script may be copied from the user’s computer 70 to a target computer 90 where the script is executed. Specifically, *Wahlquist* states that “user U transfers the case and script files to the target computer 90.” Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user’s computer 70. See col. 7, lines 56-63.

Accordingly, a script server is not described in *Wahlquist* to receive the script from a remote terminal and transfer the script to an originating file transfer server, where the originating file transfer server transfers the file in accordance with the script. Rather, a local user is disclosed to transfer the file in *Wahlquist*. As such, *Wahlquist* fails to teach or suggest at least “monitoring for incoming scripts and files from remote terminals; receiving from a remote terminal a script and at least one file associated with the script at a script server of a host; in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; and transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file,” as recited in claim 27.

Hence, claim 27 is not anticipated by *Wahlquist*, and the rejection should be withdrawn.

f. Claim 36

For at least the reasons given above, independent claim 27 is allowable over the cited art. Since claim 36 depends from and includes the features of claim 27 and recites additional features, claim 36 is allowable as a matter of law over the cited art.

4. Response to Rejections of Claims under 35 U.S.C. § 103

Claims 2, 15, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of Applicant's Admitted Prior Art ("AAPA"). Claims 11, 24, and 37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Postel* (RFC 959 "File Transfer Protocol") in further view of *Reynolds* (RFC 959 "File Transfer Protocol (FTP)," October 1985). Claims 4-9, 16-22, and 29-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Swartz* (U.S. Patent No. 6,961,778). Claims 12-13, 25-26, and 38-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Postel* in further view of *Wei* (U.S. Patent Publication No. 2002/0087642 A1).

a. Claims 2, 4-9, and 11-13

Claims 2, 4-9, and 11-13 depend from and include the features of claim 1 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist*. Therefore, claims 2, 4-9, and 11-13 are allowable as a matter of law over the cited art.

b. Claims 15-22 and 24-26

Claims 15-22 and 24-26 depend from and include the features of claim 14 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist*. Therefore, claims 15-22 and 24-26 are allowable as a matter of law over the cited art.

c. Claims 28-35 and 37-39

Claims 28-35 and 37-39 depend from and include the features of claim 27 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist*. Therefore, claims 15-22 and 24-26 are allowable as a matter of law over the cited art.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Charles W. Griggers, Reg. No. 47,283

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway
Atlanta, Georgia 30339
(770) 933-9500